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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,375	12/04/2001	Andrew Thomas	B-4408 619358-4	7036
7590	11/01/2004		EXAMINER	
c/o LADAS & PARRY Suite 2100 5670 Wilshire Boulevard Los Angeles, CA 90036-5679			ALBERTALI, BRIAN LOUIS	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/005,375	THOMAS ET AL.
	Examiner	Art Unit
	Brian L Albertalli	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/12/02, 5/17/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The oath is unsigned by Andrew Thomas.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Enabling Voice Control of Voice-Controlled Apparatus by Touching the Apparatus.

3. The disclosure is objected to because of the following informalities: On page 3, line 24, "25" should be --18--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-9, 11-12, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinckley (U.S. Patent 6,333,753).

In regard to claim 1, Hinckley discloses a method of enabling voice control of voice-controlled apparatus, involving:

(a) detecting when the user is touching at least a predetermined portion of the apparatus;

(b) initially enabling the apparatus for voice control only when the user is detected in (a) as touching the apparatus (sensors on a touch sensitive mouse are as a touch-to-talk mechanism that causes an application to listen for speech input, column 10, lines 46-51).

In regard to claims 2 and 12, Hinckley discloses the apparatus only remains enabled for voice control whilst the user continues to be detected in (a) as touching the apparatus (touch-to-talk requires that the apparatus continue to be touched speech to be input, column 10, lines 46-51).

In regard to claims 4 and 14, Hinckley discloses (a) requires the user to touch an activation area of the apparatus comprising one or more zones which together occupy a

substantial part of the upper part of the apparatus (see Fig. 4, touch sensitive areas 427, 423 and touch sensitive area of key 415, not shown, column 9, lines 56-67).

In regard to claims 5 and 15, Hinckley discloses said substantial part is at least the area of a hand (a conventional computer mouse is the size of a hand, column 9, line 56).

In regard to claims 6 and 16, Hinckley discloses said activation area comprises one or more of the following zones intended for hand contact:

a zone along a top front edge of the apparatus (contact sensor 423, the front edge being the edge with cable 440);  
a zone along a top side edge of the apparatus (contact sensor 429);  
a zone occupying a major part of the front third of the top of the apparatus (contact sensor 423 occupies more than half of the front third of the top of mouse).

In regard to claims 7, 8, 17, and 18, Hinckley discloses a touch characteristic is a minimum touch pressure in a particular direction (column 20, lines 9-10).

In regard to claim 9 and 19, Hinckley discloses said touch is detected using a switch plate mechanically configured to resist accidental activation by a user passing by the apparatus rather than approaching towards the apparatus.

See Fig. 4, the touch sensitive mouse 400 is a conventional mouse with buttons 413 and 415 (column 9, lines 56-61). The buttons are a plate that acts as a switch, and the buttons are configured to pivot about an axis parallel to the top front edge of the device thereby allowing activation only when a user passes towards the apparatus (pushes down).

In regard to claim 11, Hinckley discloses an apparatus provided with a voice-control user interface comprising:

a speech recognition subsystem for recognizing user voice commands for controlling the apparatus (voice recognition application);  
a touch sensor for detecting when the user is touching at least a predetermined portion of the apparatus (touch mouse); and  
enablement control means for initially enabling the apparatus for voice control only if the touch sensor detects that the user is touching the apparatus (sensors on a touch sensitive mouse are as a touch-to-talk mechanism that causes an application to listen for speech input, column 10, lines 46-51).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hinckley, in view of Buil et al. (U.S. Patent 6,718,307).

In regard to claim 3, Hinckley does not disclose:

detecting when the user is speaking, and

where the user is detected as speaking whilst the apparatus is initially enabled for voice control, continuing enablement of the apparatus for voice control following the user ceasing to touch the apparatus but only whilst the user continues speaking and for a timeout period thereafter, recommencement of speaking by the user during this timeout period continuing enablement of voice control with timing of the timeout period being reset.

Buil et al. discloses a method of detecting when the user is speaking (Fig. 2, step 210, a command is recognized, column 5, lines 53-55), and

where the user is detected as speaking whilst the apparatus is initially enabled for voice control, continuing enablement of the apparatus for voice control, but only whilst the user continues speaking and for a timeout period thereafter, recommencement of speaking by the user during this timeout period continuing enablement of voice control with timing of the timeout period being reset (if in step 210, a command is recognized, a new attention period is started in step 206, column 5, lines 55-58; if a no command is recognized and the attention period elapses, the device goes into standby mode and must be reactivated, column 5, lines 58-61 and column 6, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Hinckley to keep the apparatus enabled after the user stopped touching the apparatus as long as the user kept talking, so the user would not have to keep touching the apparatus for an entire command and the timeout period would safeguard against unintended operation of the apparatus, as taught by Buil et al. (column 2, lines 22-24).

In regard to claim 13, Hinckley discloses initial-enablement means for effecting the said initial enabling of the apparatus for voice control (sensors on a touch sensitive mouse are as a touch-to-talk mechanism that causes an application to listen for speech input, column 10, lines 46-51);

Hinckley does not disclose a speaking detector for detecting when a user is speaking, the control means comprising:

delayed-disablement means including timing means for timing a timeout period; and means for activating the delayed-disablement means upon the speaking detector detecting a user speaking whilst the apparatus is initially enabled by the initial-enablement means;

the delayed-disablement means, when activated, being operative to keep the apparatus enabled for voice control following the touch sensor ceasing to detect that the user is touching the apparatus but only whilst the speaking detector continues to detect that the user is speaking and for the duration thereafter of the said timeout period as timed by the timing means, the delayed-disablement means being responsive to the

speaking detector detecting commencement of speaking by the user during this timeout period to reset timing of the timeout period

Buil et al. discloses a speaking detector for detecting when a user is speaking, the control means comprising:

delayed-disablement means including timing means for timing a timeout period; and means for activating the delayed-disablement means upon the speaking detector detecting a user speaking whilst the apparatus is initially enabled by the initial-enablement means;

the delayed-disablement means, when activated, being operative to keep the apparatus enabled for voice control but only whilst the speaking detector continues to detect that the user is speaking and for the duration thereafter of the said timeout period as timed by the timing means, the delayed-disablement means being responsive to the speaking detector detecting commencement of speaking by the user during this timeout period to reset timing of the timeout period (computer 600 performs the steps of: if in step 210, a command is recognized, a new attention period is started in step 206, column 5, lines 55-58; if a no command is recognized and the attention period elapses, the device goes into standby mode and must be reactivated, column 5, lines 58-61 and column 6, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Hinckley to keep the apparatus enabled after the user stopped touching the apparatus as long as the user kept talking, so the user would not have to keep touching the apparatus for an entire command and the timeout period would

safeguard against unintended operation of the apparatus, as taught by Buil et al. (column 2, lines 22-24).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hinckley, in view of Lindholm et al. (U.S. Patent 6,694,295).

Hinckley does not disclose step (a) of claim 1 involves the user stroking a particular zone of the apparatus.

Lindholm et al. discloses a method for enabling a speech recognizer that involves a user stroking a particular zone of the apparatus (speech recognition is activated by a user writing on a touch screen, column 6, lines 29-31; writing on a touch screen is equivalent to stroking).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Hinckley to detect when a user was stroking a portion of the apparatus, in order to allow the user to enter information on the touch screen that could be utilized in speech recognition, which increases recognition accuracy 10-30 fold, as taught by Lindholm et al. (column 6, lines 34-40 and column 7, lines 61-65).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fernandes (U.S. Patent 5,671,555) discloses an interactive sports card with speech recognition that must be activated by the user touching the

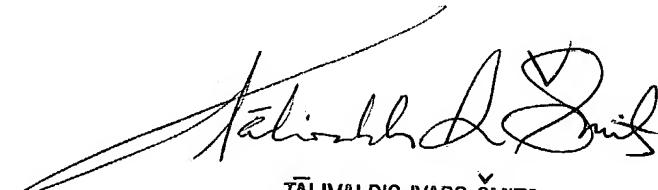
card. Barnes (U.S. Patent 5,774,113) discloses a mouse in which the buttons act as activators for speech recognition. De Cuetos et al. (U.S. Patent 6,754,373) discloses a method that includes a timeout period after speech recognition has been activated. Everhart (U.S. Patent 6,230,138) discloses an installation of a plurality of speech recognizers that must be activated by touch. Hinckley et al. (U.S. Patent 6,456,275) discloses a headset that requires the user to touch the headset to activate speech recognition. Morita (JP 01041922) discloses a touch activated speech recognition device. Matulich et al. (U.S. Patent 6,188,986) discloses an apparatus that requires a particular touch combination to activate speech recognition.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 10/26/04



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PRIMARY EXAMINER